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BEFORE THE ARIZONA CORPORATION COMMISSION

2003 DEC 22 P 4: 30

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WILLIAM A. MUNDELL  
Commissioner  
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Commissioner  
JEFF HATCH-MILLER  
Commissioner  
KRISTIN K. MAYES  
Commissioner

Arizona Corporation Commission  
**DOCKETED**

DEC 22 2003

AZ CORP COMMISSION  
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IN THE MATTER OF THE APPLICATION  
OF ACCIPITER COMMUNICATIONS, INC.  
TO EXTEND ITS CERTIFICATE OF  
CONVENIENCE AND NECESSITY IN  
MARICOPA COUNTY

Docket No. T-02847A-02-0641

**QWEST CORPORATION'S RESPONSE  
TO ACCIPITER'S APPLICATION**

Qwest Corporation ("Qwest") hereby files this Response to the Accipiter Communications, Inc. ("Accipiter") Application in the above-captioned proceeding.

On August 22, 2002, Accipiter filed with the Arizona Corporation Commission ("Commission") an Application to: (1) extend its Certificate of Convenience and Necessity ("CC&N") into areas of Maricopa County, (2) to delete that area from Qwest's Metropolitan Exchange Service area, and (3) authorizing Accipitor to charge its existing rates and charges in the new service territory.

Upon receipt of the Application, Qwest moved to intervene in this docket and confirmed that four sections of the area requested to be added to Accipiter's certificate were located within the service areas of Qwest. Accipitor did not allege that Qwest was unwilling or unable to provide service to customers in those four sections.

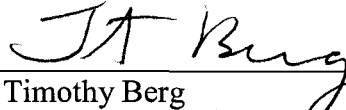
Subsequently, Qwest and Accipiter met to resolve their issues raised by their Application.

1 Qwest has agreed to transfer four (4) sections (described on Exhibit A hereto) of its service area  
2 to Accipiter. Qwest believes that this transfer should be approved by the Commission.

3  
4 RESPECTFULLY SUBMITTED this 22<sup>nd</sup> day of December, 2003.

5 FENNEMORE CRAIG, P.C.

6  
7 By

  
Timothy Berg  
Theresa Dwyer  
3003 North Central, Suite 2600  
Phoenix, Arizona 85012  
Attorneys for Qwest Corporation

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10  
11 ORIGINAL +13 copies filed this  
12 22<sup>nd</sup> day of December, 2003:

13 Docket Control  
14 ARIZONA CORPORATION COMMISSION  
15 1200 West Washington  
16 Phoenix, AZ

17 COPY hand-delivered this 22<sup>nd</sup> day of December, 2003:

18 Dwight Nodes  
19 Arizona Corporation Commission  
20 Hearing Division  
21 1200 West Washington  
22 Phoenix, AZ

23 COPY mailed this 22<sup>nd</sup> day of December, 2003:

24 Jeffrey W. Crockett, Esq.  
25 SNELL & WILMER  
26 One Arizona Center  
Phoenix, Arizona 85004-2202

By: 

## **EXHIBIT A**

### **Legal Description**

Township 5 North, Range 1 West – Sections 25, 26, and 35 - Township 5 North, Range 1 East –  
Section 30